

## WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PERSONNEL

DATE: DECEMBER 9, 2015

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS TAYLOR  
KENNY  
SOKOL  
MERLINO  
GIRARD  
WOOD  
SIMPSON

**COMMITTEE MEMBERS ABSENT:**

SUPERVISORS DICKINSON  
VANSELOW

**OTHERS PRESENT:**

REPRESENTING THE HUMAN RESOURCES & CIVIL SERVICE ADMINISTRATION:

JACKIE FIGUEROA, COUNTY HUMAN RESOURCES DIRECTOR  
KEVIN GERAGHTY, CHAIRMAN OF THE BOARD  
PAUL DUSEK, COUNTY ADMINISTRATOR  
MARTIN AUFFREDOU, COUNTY ATTORNEY  
AMY BARTLETT, ASSISTANT COUNTY ATTORNEY  
AMANDA ALLEN, CLERK OF THE BOARD  
FRANK THOMAS, BUDGET OFFICER

SUPERVISORS BEATY  
BROCK  
CONOVER  
FRASIER  
MONROE  
SEEBER  
STROUGH

ROBERT IUSI, PROBATION DIRECTOR

BRIAN LAFLURE, FIRE COORDINATOR/DIRECTOR, OFFICE OF EMERGENCY SERVICES

SHAWN LAMOUREE, UNDERSHERIFF

MIKE SWAN, COUNTY TREASURER

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS

LARRY PALTROWITZ, SPECIAL COUNSEL

CLAUDIA BRAYMER, CITY OF GLENS FALLS RESIDENT

MATTHEW McDONALD, CITY OF GLENS FALLS RESIDENT

GEORGE STEC, TOWN OF QUEENSBURY RESIDENT

TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT

DON LEHMAN, *THE POST STAR*

SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

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*Please note, the following contains a summarization of the December 9, 2015 meeting of the Personnel Committee; the meeting in its entirety can be viewed on the Warren County website using the following link: <http://www.warrencountyny.gov/gov/comm/personnel/>*

Mr. Taylor called the meeting of the Personnel Committee to order at 9:00 a.m.

Motion was made by Mr. Sokol, seconded by Ms. Wood and carried unanimously to approve the minutes of the prior Committee meeting, subject to correction by the Clerk of the Board.

Copies of the meeting Agenda were distributed to the Committee members and a copy of same is on file with the meeting minutes.

Mr. Kenny introduced Matt McDonald, *City of Glens Falls Resident*, who would be the successor to his seat as City of Glens Falls Ward 5 Supervisor upon his retirement, and he welcomed Mr. McDonald to the meeting.

Commencing the Agenda review with Action Agenda Item 1, privilege of the floor was extended to Jackie Figueroa, *County Human Resources Director*, who indicated the report on tracking of salary implications for positions filled since the last Committee meeting was included in the Agenda packet and she welcomed anyone with questions to contact her after the meeting.

Moving on to Agenda Item 2, Mr. Taylor addressed a referral from the County Clerk-Motor Vehicles Committee requesting to amend the Table of Organization and Salary Schedule to reduce the salary of the Deputy County Clerk position from \$50,907 to \$49,665 effective January 1, 2016. He noted that the current Deputy Clerk would retire on December 31, 2015 and this request would remove the 2.5% salary increase included in the 2016 Budget in order to maintain the current 2015 salary level.

Motion was made by Mr. Merlino, seconded by Mr. Girard and carried unanimously to approve the request and the necessary resolution was authorized for the December 18<sup>th</sup> Board Meeting.

Mr. Taylor announced Agenda Items 3A-B consisted of referrals from the Criminal Justice Committee, which he outlined as follows:

- Item 3A) *District Attorney* - Request to authorize annual compensation of \$1,500 to Nancy Ovitt, *County Employee No. 10531*, for the preparation and record keeping of Asset Forfeiture accounts, with the amount to be paid from Asset Forfeiture funds.

Motion was made by Mr. Girard, seconded by Ms. Wood and carried unanimously to approve the request and the necessary resolution was authorized for the December 18<sup>th</sup> Board Meeting.

- Item 3B) *District Attorney* - Request to authorize an on-call stipend program for arraignments in the amount of \$350 per day (*\$325 to be funded by the County and \$25 to come from Asset Forfeiture funds*), retroactive to November 1, 2015. *Note: a request will be presented to the Finance Committee for a Contingent Fund transfer totaling \$7,070 for the aforementioned program in 2015 - funding in the amount of \$29,000 has been included in the 2016 Budget to support these costs.*

A discussion ensued during which Mr. Kenny commented that he would feel more comfortable if an hourly rate were paid, similar to the way in which the Public Defender's Office operated. Paul Dusek, *County Administrator*, indicated that this issue had been discussed at length by himself, Mr. Thomas and the District Attorney and had been subject to considerable negotiation before settling upon the \$350 per day rate. Mr. Thomas advised this was correct and he indicated that the District Attorney had initially requested a stipend of \$375 per day, but had eventually agreed upon a total amount of \$350 per day, with \$325 to be paid by the County and the remaining \$25 to come from Asset Forfeiture funding. Mr. Beaty questioned how many after-hours arraignments had occurred this year, as well as the average time each arraignment took; Mr. Dusek indicated that this information would need to be provided by the District Attorney's Office. Ms. Wood suggested that the Committee move to approve the request and that Mr. Dusek contact the District Attorney's Office to have the information Mr. Beaty requested forwarded to all members of the Board of Supervisors in advance of the December 18<sup>th</sup> Board Meeting.

Motion was made by Mr. Simpson, seconded by Ms. Wood and carried by a majority vote, with Mr. Kenny voting in opposition, to approve the request and the necessary resolution was authorized for the December 18<sup>th</sup> Board Meeting.

- Item 3C) *Probation* - Request to create and fill the new position of Probation Officer Trainee #2, *Grade 16, Annual Base Salary of \$39,979*, and reduce the salary of the Probation Officer #14 position to \$3,500 effective January 20, 2016 and amend the Table of Organization and Salary Schedule accordingly. The purpose of this request is to allow for a new employee to be hired in the Trainee position for a one-year period, after which said employee will be transferred into the Probation Officer #14 position.

- Item 3D) *Probation* - Request to create and fill the new position of Probation Officer Trainee #3, *Grade 16, Annual Base Salary of \$39,979*, and reduce the salary of the Probation Officer #5 position to \$3,500 effective April 1, 2016 and amend the Table of Organization and Salary Schedule accordingly. The purpose of this request is to allow for a new employee to be hired in the Trainee position for a one-year period, after which said employee will

- be transferred into the Probation Officer #5 position.
- Item 3E) *Probation* - Request to create and fill the new position of Probation Officer Trainee #4, Grade 16, Annual Base Salary of \$39,979, and reduce the salary of the Probation Officer #13 position to \$3,500 effective April 1, 2016 and amend the Table of Organization and Salary Schedule accordingly. The purpose of this request is to allow for a new employee to be hired in the Trainee position for a one-year period, after which said employee will be transferred into the Probation Officer #13 position.

Motion was made by Mr. Kenny, seconded by Mr. Sokol and carried unanimously to approve Items 3C-E, as outlined above, and the necessary resolutions were authorized for the December 18<sup>th</sup> Board Meeting.

Next, Mr. Taylor presented the referrals from the Health Services Committee, as follows:

- Item 4A) *Mental Health* - Request to amend the Table of Organization and Salary Schedule to decrease the salary for the Program Analyst position from \$53,000 to \$51,000 retroactive to December 7, 2015. This is a vacant position which will be filled by an individual at a Bachelor's level.
- Item 4B) *Mental Health* - Request to amend the Table of Organization and Salary Schedule to increase the salary for the Children and Youth SPOA Coordinator position from \$53,500 to \$55,500 effective January 1, 2016. This is a vacant position for which a Master's level candidate is desired.

Motion was made by Mr. Sokol, seconded by Mr. Girard and carried unanimously to approve Items 4A and 4B, as outlined above, and the necessary resolutions were authorized for the December 18<sup>th</sup> Board Meeting.

- Item 4C) *Public Health* - Request to authorize Ginelle Jones, *Assistant Director of Public Health*, to enroll in a job-related course at SUNY Albany School of Public Health.

Motion was made by Mr. Girard, seconded by Ms. Wood and carried unanimously to approve the request and the necessary resolution was authorized for the December 18<sup>th</sup> Board Meeting.

Mr. Taylor apprised Agenda Item 5 consisted of a referral from the Public Works Committee, *DPW*, requesting to authorize payment to employees affected by a vacation time accrual error (\$428.37 to Employee No. 11097 for 32 hours of vacation time; \$3,718.40 to Employee No. 5804 for 272 hours of vacation time).

Mr. Merlino noted this issue had arisen due to a provision with the CSEA contract which he hoped could be removed in their next negotiations. Mr. Taylor clarified that the provision Mr. Merlino mentioned allowed for an employee who had left County service to resume their previous leave time accrual amounts after returning to County service and working for two years; he added that in these instances, the provision had been overlooked and the restored vacation accruals were not accounted for as they should have been in accordance with the Union contract.

Motion was made by Mr. Sokol, seconded by Mr. Merlino and carried unanimously to approve the request and the necessary resolution was authorized for the December 18<sup>th</sup> Board Meeting.

Moving on to Agenda Item 6, Mr. Taylor presented a referral from the Support Services Committee, *Clerk of the Board*, to amend the Table of Organization and Salary Schedule to reduce the salary of the Secretary to the Clerk of the Board position from \$37,000 to \$34,000 effective December 21, 2015. He noted this position was vacated due to promotion and would be filled with a new employee, therefore, the request was being presented to reduce the salary to the entry level amount.

Motion was made by Ms. Wood, seconded by Mr. Simpson and carried unanimously to approve the request and the necessary resolution was authorized for the December 18<sup>th</sup> Board Meeting.

Privilege of the floor was extended to Mr. Dusek, to address Agenda Item 7, Requests/Items to be Discussed by the County Administrator, which consisted of discussion regarding the filling of the County Attorney position. Mr. Dusek apprised three applications had been received for the County Attorney position, as well as a letter from Miller Mannix Law Firm offering to provide legal services in a combined approach. He said that in order to discuss the applications received, the Committee would need to enter into an executive session to discuss matters leading to the appointment of a particular person.

Motion was made by Mr. Sokol, seconded by Ms. Wood and carried unanimously to enter into an executive session pursuant to Section 105(f) of the Public Officer's Law.

Executive session was held from 9:14 a.m. until 9:45 a.m. Mr. McDonald was authorized to stay for the executive session, as was Claudia Braymer, *City of Glens Falls Resident and Supervisor-elect for the City of Glens Falls Ward 3 position*, who entered during the executive session.

Upon reconvening, Mr. Taylor noted that no action had been taken during the executive session.

Motion was made by Mr. Kenny, seconded by Mr. Girard and carried unanimously to remove the proposal from the private law firm from the discussions concerning options for filling of the County Attorney position.

Mr. Taylor announced they would need to set a time and date for a meeting to hold interviews for the County Attorney position. After some discussion, it was determined that a meeting of the Personnel Committee would be scheduled for Tuesday December 15<sup>th</sup> at 10:00 a.m., contingent upon Mr. Dusek contacting the candidates to determine their availability. Mr. Brock questioned whether the new Supervisors assuming positions in 2016 would be allowed to attend the meeting and participate in the interviews held during executive session and Mr. Taylor responded that although they would not have a vote on the matter, they were welcome to attend.

Privilege of the floor was extended to Robert Iusi, *Probation Director*, who apprised the Committee of an item requiring action which was not included on the meeting Agenda. He explained that during the Budget process he had mistakenly requested that the Probation Officer #13 be deleted and the Probation Officer # 7 position retained, when in fact, the opposite was actually required. In order to correct this error, he requested that the Committee take action to delete the Probation Officer #7 position and to re-create the Probation Officer #13 position effective January 1, 2016 and to amend the Table of Organization and Salary Schedule accordingly.

Motion was made by Ms. Wood, seconded by Mr. Kenny and carried unanimously to approve the request, as outlined above, and to authorize the necessary resolution for the December 18<sup>th</sup> Board Meeting.

Resuming the Agenda review, privilege of the floor was extended to Martin Auffredou, *County Attorney*, to address Item 8, Requests/Items to be Discussed by the County Attorney, which pertained to the proposed engagement letter for legal services from Bartlett, Pontiff, Stewart & Rhodes, P.C. Mr. Auffredou indicated that Larry Paltrowitz, *Special Counsel*, was in attendance and could address this matter. Mr. Paltrowitz briefly reviewed the proposal provided in the Agenda packet which essentially offered to continue the services currently provided for all labor matters and certain consultant matters, to the point of arbitration, for 2016 and 2017 at a fixed flat rate. He added that this contract would also cover matters relating to the sale of Westmount Health Facility, excluding the real transactions.

Mr. Beaty commented that while Mr. Paltrowitz had done a great job of acting as Special Counsel on behalf of the County, he was concerned that agreeing to a two-year contract might not be in the

County's best interest as the new County Attorney and staff may be experienced in this arena and might not require these services. Instead, Mr. Beaty suggested that the Committee consider a month by month arrangement that would allow them to determine the strengths of their new staff first. Mr. Kenny countered that he was comfortable with the two-year contract arrangement, commenting that Mr. Paltrowitz was a very creative negotiator and was doing a wonderful job on the County's behalf.

Motion was made by Mr. Kenny, seconded by Mr. Merlino and carried unanimously to approve the agreement with Bartlett, Pontiff, Stewart & Rhodes, P.C. as per the engagement letter provided by Mr. Paltrowitz and the necessary resolution was authorized for the December 18<sup>th</sup> Board Meeting.

Concluding the Agenda review, Mr. Taylor pointed out Item IV consisted of the listing of vacancies filled, as follows:

Clerk of the Board -	Secretary to the Clerk of the Board, <i>Annual Salary \$34,000</i> , due to promotion
County Clerk -	Deputy County Clerk, <i>Annual Salary \$49,665</i> , due to retirement
Probation -	Probation Supervisor #1, <i>Annual Salary \$60,000</i> , due to retirement
	Senior Probation Officer #1, <i>Grade 20, Annual Base Salary \$45,661</i> due to retirement
	Senior Probation Officer #3, <i>Grade 20, Annual Base Salary \$45,661</i> , due to retirement
Public Defender -	1 <sup>st</sup> Assistant Public Defender, <i>Annual Salary \$69,544</i> , due to retirement
Public Works -	Auto Mechanic, <i>Grade 9, Annual Base Salary \$32,553</i> , due to resignation
	HEO #1, <i>Grade 8, Annual Base Salary \$32,238</i> , due to retirement
	Sign Maintenance Worker #1, <i>Grade 9, Annual Base Salary \$33,367</i> , due to retirement

Privilege of the floor was extended to Travis Whitehead, *Town of Queensbury Resident*, who noted he believed it was customary to allow discussion from the floor before voting on motions; he said he would take this time after the fact to express his concern with authorizing a flat fee contract with Bartlett, Pontiff, Stewart & Rhodes, P.C. without knowing what might be coming up. He commented that this might not be such a good business idea and he advised there were any number of options available in this instance, including bidding the services or setting a "not to exceed" limit, which would provide for better management of taxpayer dollars.

There being no further business to come before the Committee, on motion made by Mr. Sokol and seconded by Mr. Simpson, Mr. Taylor adjourned the meeting at 9:58 a.m.

Respectfully submitted,  
Sarah McLenithan, Deputy Clerk of the Board  
*As transcribed by Amanda Allen, Clerk of the Board*